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S/1994/516
29 April 1994

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LETTER DATED 28 APRIL 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the letter of 28 April 1994 from the Minister for Foreign Affairs of Azerbaijan, Mr. Hassan A. Hassanov, addressed to you.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Yashar T. ALIYEV
Chargé d'affaires a.i.

Annex

Letter dated 28 April 1994 from the Minister for Foreign Affairs of Azerbaijan addressed to the Secretary-General

Allow me to remind you that on 30 April 1994, it will be one year since the adoption by the Security Council of resolution 822 (1993) in response to the invasion and further occupation of the Kelbadjar district of the Azerbaijani Republic by the Armenian armed forces.

Unfortunately, the Security Council has failed to work out a concrete mechanism for the realization of the above-mentioned resolution, namely of the demand for the immediate withdrawal of the Armenian occupying forces from the Kelbadjar district and other occupied regions of Azerbaijan.

Non-compliance by the Republic of Armenia with the relevant Security Council resolutions beginning with resolution 822 (1993), as well as the evident impunity of its aggressive policy, have led to a tragic situation whereby almost 20 per cent of our territory is under occupation by the armed forces of the Republic of Armenia and more than a million inhabitants of Azerbaijan have been ousted from their homes under the threat of imminent extermination, thus becoming refugees in their own homeland.

Meanwhile, innocent people continue to die at the hands of the occupying forces and bloodshed continues. Failure on the part of the international community to undertake timely and effective measures towards the aggressor, namely non-recognition of the Republic of Armenia as the aggressor, has given Yerevan a free hand and allowed it not only not to withdraw its troops from the Kelbadjar district occupied last spring, but also to widen its expansion by means of the consequent occupation of the Agdam, Fizuli, Jebrail, Kubatli and Zangelan districts of the Azerbaijani Republic.

In this connection, it should be remembered that the Agdam district was occupied after the adoption of the same resolution right after the visit to the region of the mission of the Conference on Security and Cooperation in Europe, headed by the then Chairman of the Minsk Conference, Mr. Mario Raffaelli. The occupation of the Fizuli, Jebrail and Kubatli districts of Azerbaijan followed the adoption, in July 1993, of resolution 853 (1993) by the Security Council. In November 1993, the Security Council, in its resolution 884 (1993), noted "with alarm the escalation in armed hostilities ... in particular the occupation of Zangelan district".

Non-compliance by the Republic of Armenia with resolution 822 (1993) as well as other relevant resolutions of the Security Council once again demonstrates its genuine plans aimed at dismembering the Azerbaijani Republic and brings to naught all efforts of the international community, including those of such international organizations as the United Nations and the Conference on Security and Cooperation in Europe, aimed at creating favourable conditions for the resumption of a peaceful negotiation process.

It should also be noted that paragraph 4 of resolution 822 (1993), in which the Security Council requested the Secretary-General "to assess the situation in the region, in particular, in the Kelbadjar district of Azerbaijan, and to submit a further report to the Council" also remains unfulfilled.

Continuation of the expansionist policy of Armenia challenges the international community and demands from the latter resolute actions with the use of all available potential in order to end the aggression against the Azerbajani Republic and thus prevent the repetition of the Bosnian tragedy.

The adoption by the Security Council of resolution 822 (1993) on 30 April 1993 aroused in the Azerbaijani people confidence in the authority of the United Nations, as well as hope for help from the international community to a young State defending its independence. One would not like this hope be superseded by the sense of hopelessness and disappointment.

Being confident that you fully share our deep concern caused by the serious threat to peace and security in our region, I would ask you to ensure the implementation of paragraph 4 of resolution 822 (1993) and to dispatch, in the near future, a group of experts from your authoritative Organization to Azerbaijan in order to assess the situation in the Kazakh and Tovuz districts, as well as in all the other occupied districts of Azerbaijan, including the territory of the Nagorny Karabakh region of our Republic.

(Signed) Hassan HASSANOV

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LETTER DATED 29 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter, dated today, from my President to you (see annex).

May I ask for your kind assistance in circulating the present letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

Annex

Letter dated 29 April 1994 from the President of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council

The Tuzla airport, located in a "safe area" as declared by the Security Council in its resolution 824 (1993), is still not open for flights despite the fact that all preparations have been made.

The airport remains unused because of Serbian threats to and artillery attacks against the airport, and because UNPROFOR is willing to accept this situation.

This situation leaves hundreds of thousands of civilians in the region lacking the most basic foods and medicines.

I kindly request you to undertake those measures within your capacity without delay to open the airport.

(Signed) Alija IZETBEGOVIĆ
President

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LETTER DATED 29 APRIL 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I regret to have to inform you that the Force Commander of the United Nations Assistance Mission for Rwanda (UNAMIR) has reported a further deterioration of the situation in Kigali and other parts of Rwanda.

The capital city is effectively divided into sectors controlled by the Rwanda Government Forces (RGF) and the Rwandese Patriotic Front (RPF) respectively, with frequent exchanges of artillery and mortar fire between the two sides. UNAMIR reports strong evidence of preparations for further massacres of civilians in the city and there are several large concentrations of civilians who fear for their lives but enjoy little effective protection. Massacres continue on a large scale in the countryside, especially in the south.

A new complication is that in recent days both sides have begun to express lack of confidence in UNAMIR's impartiality and this is affecting their cooperation with my Special Representative and the Force Commander.

These developments raise serious questions about the viability of the revised mandate which the Security Council gave to UNAMIR by resolution 912 on 21 April 1994. In particular, it has become clear that that mandate does not give UNAMIR the power to take effective action to halt the continuing massacres. At best it can provide limited protection to small groups of threatened persons in the city of Kigali and it would be unable to save them if a new wave of massacres were to start. According to some estimates, as many as 200,000 people may have died during the last three weeks. This humanitarian catastrophe is rightly a matter of growing anguish in Africa and the rest of the world and demands urgent action by the international community.

In considering what action should be taken, it has to be recognized that the disastrous incident of 6 April which cause the deaths of the Presidents of Rwanda and Burundi has had two consequences which require different responses from the international community. First, that incident sparked a resumption of fighting between the Rwanda Government Forces (RGF) and the Rwandese Patriotic Front (RPF). Secondly, it reawakened deep-rooted ethnic hatreds, which have plagued Rwanda in the past and which have again led to massacres of innocent civilians on a massive scale.

The revised mandate which the Security Council gave to UNAMIR in resolution 912 on 21 April is an adequate response to the first of these consequences. My Special Representative and the Force Commander have been making strenuous efforts to help the parties agree to a cease-fire and a return to implementation of the Arusha Accord. Those efforts have not yet succeeded but the present mandate and strength of UNAMIR are sufficient for them to continue.

The events of the last few days have confirmed, however, that UNAMIR's revised mandate is not one which enables it to bring the massacres under control. Some of these have been the work of uncontrolled military personnel but most of them have been perpetrated by armed groups of civilians taking advantage of the complete breakdown of law and order in Kigali and many other parts of Rwanda. It has become clear that the horrors for which they are responsible can be ended only if law and order is restored, a task which is far beyond UNAMIR's present capacity.

In these circumstances, I urge the Security Council to re-examine the decisions which it took in resolution 912 and to consider again what action, including forceful action, it could take, or could authorize Member States to take, in order to restore law and order and end the massacres. In making this recommendation, I am of course aware that such action would require a commitment of human and material resources on a scale which Member States have so far proved reluctant to contemplate. But I am convinced that the scale of human suffering in Rwanda and its implications for the stability of neighbouring countries leave the Security Council with no alternative but to examine this possibility.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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IDENTICAL LETTERS DATED 29 APRIL 1994 ADDRESSED TO THE PERMANENT REPRESENTATIVES OF CAMEROON AND NIGERIA TO THE UNITED NATIONS BY THE PRESIDENT OF THE SECURITY COUNCIL

The members of the Security Council wish to respond to the letters from the Permanent Representatives of Cameroon and Nigeria (S/1994/228, S/1994/258, S/1994/351, S/1994/472) concerning the border dispute between Cameroon and Nigeria in relation to the Bakassi peninsula.

The members of the Council have taken note of the communiqué issued by the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity (OAU) (S/1994/351, annex). The members of the Council also welcome the fact that the dispute has been referred to the International Court of Justice.

The members of the Council commend the initiative taken by the Chairman of OAU and other mediation efforts aimed at assisting the parties in reaching a political settlement. They urge the parties to exercise restraint and to take appropriate steps, including continuation of their dialogue and the development of confidence-building measures, to restore confidence between them.

Council members encourage the parties to continue to pursue their efforts for a peaceful resolution of the dispute in accordance with the principles of the Charter of the United Nations and the Charter of the Organization of African Unity.

The members of the Council request the Secretary-General, in consultation with the Secretary-General of OAU, to follow developments and to use his good offices to help promote the ongoing dialogue aimed at resolving peacefully the dispute between the two countries over the peninsula, and to keep Council members appropriately informed.

(Signed) Colin KEATING
President of the Security Council

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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council a communication which he has received from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) a joint statement issued upon the conclusion of the high-level talks between the Government of Iraq and the United Nations Special Commission held in Baghdad from 24 to 26 April 1994.

Annex

Joint statement issued at the conclusion of the high-level talks held in Baghdad, from 24 to 26 April 1994

1. From 24 to 26 April 1994, a further round of high-level talks was held in Baghdad between Iraq, on the one hand, and the Special Commission and the International Atomic Energy Agency (IAEA) on the other. This was a continuation of a process initiated in July 1993 during the visit to Baghdad of the Executive Chairman of the Special Commission, Ambassador Rolf Ekéus, and followed by five further rounds of high-level talks held in New York and Baghdad.
Mr. Tariq Aziz, Deputy Prime Minister of Iraq met the Executive Chairman and the Leader of the IAEA Action Team, Mr. Maurizio Zifferero. The delegation of Iraq included Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs; General Amer Muhammad Rashid, Director of the Military Industrialization Commission; and Dr. Riyadh Al-Qaysi, Under-Secretary in the Ministry for Foreign Affairs. Issues relating to the implementation of relevant Security Council resolutions, in particular resolutions 687 and 715 (1991), were discussed.

2. The two sides reviewed the considerable progress made in this regard since the last round of high-level talks, held in New York on 14-19 March 1994. They noted that many actions had been undertaken in this period, including inspections to establish the baseline for, and phase in, ongoing monitoring and verification.

3. In conducting this intensive programme of inspections, the Commission and the IAEA expressed their appreciation for Iraq's expeditious and positive responses to their requests for assistance and support. This has enabled inspections to be conducted efficiently and effectively, and has contributed significantly to the establishment of ongoing monitoring and verification as called for in the Security Council resolutions. The Commission and the IAEA welcomed Iraq's commitment to continue its cooperation with them. In fulfilling resolution 715 (1991) and the plans for ongoing monitoring and verification, Iraq assured the Commission and the IAEA that it would respect the rights and privileges of the Commission and the IAEA established under the plans, and, for their part, the Commission and the IAEA reiterated their commitment to exercise these rights and privileges in a manner that respected Iraq's legitimate concerns relating to sovereignty, independence, security and dignity in accordance with the Charter of the United Nations, and to conduct their activities in the least intrusive manner consistent with effective monitoring and verification.

4. Both sides reiterated their commitment to continue and accelerate intensive efforts aimed at reaching their shared objective, namely, a situation where the Commission and the IAEA would be able to report to the Security Council that, in their view, Iraq had taken all the actions called for in paragraph 22 of resolution 687 (1991).

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LETTER DATED 29 APRIL 1994 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council, while discussing the situation in the Republic of Bosnia and Herzegovina and in the safe areas, established by the relevant resolutions of the Security Council, took note of the recommendations of the Secretary-General concerning the definition and implementation of the concept of safe areas, as contained in his reports of 10 March 1994 (S/1994/291) and 16 March 1994 (S/1994/300).

The members of the Council request the Secretary-General to submit by 10 May 1994 further specific recommendations on modalities of the implementation of the concept of safe areas as defined in resolutions 824 (1993) and 836 (1993).

(Signed) Colin KEATING
President of the Security Council

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New Zealand: draft resolution

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 912 (1994) of 21 April 1994, by which it condemned the ongoing violence in Rwanda and demanded an immediate end to the mindless violence and carnage which are engulfing Rwanda,

Appalled at continuing reports of the slaughter of innocent civilians in Kigali and other parts of Rwanda, and reported preparations for further massacres,

Endorsing the concern expressed by the Central Organ for Conflict Prevention, Management and Resolution of the Organization of African Unity (OAU) that the massacres and wanton killings have continued unabated in a systematic manner in Rwanda,

Recalling that such killings have already been condemned by the Security Council in its resolution 912 (1994) of 21 April 1994,

1. Takes note that although attacks on defenceless civilians may have been perpetrated by all parties, in the main they appear to have occurred in areas under the control of members or supporters of the armed forces of the interim Government of Rwanda;

2. Recalls that the killing of the members of an ethnic group with the intention of destroying such a group in whole or in part constitutes genocide and is a crime punishable under international law;

3. Condemns all breaches of international humanitarian law, particularly those perpetrated against the civilian population, and recalls that persons who instigate or participate in such acts are individually responsible;

4. Demands that the interim Government of Rwanda and the Rwandese Patriotic Front take effective measures to prevent any attacks on civilians in areas under their control;

5. Calls on the leadership of both parties to condemn publicly such attacks and to commit themselves to ensuring that persons who instigate or participate in such attacks are prosecuted and punished;

6. Reiterates the demand in its resolution 912 (1994) for an immediate cease-fire and cessation of hostilities between the forces of the interim Government of Rwanda and the Rwandese Patriotic Front;

7. Commends the efforts by the Special Representative of the Secretary-General and the Force Commander of the United Nations Assistance Mission for Rwanda (UNAMIR) to mediate such an outcome, requests them to continue their efforts in liaison with countries of the region and the OAU and also commends the courage and determination of UNAMIR personnel in affording protection to civilians who sought refuge with UNAMIR;

8. Welcomes the efforts that have been made by countries of the region, with the assistance of the OAU, to bring about an end to the fighting and the killings in Rwanda and commends the efforts of States, United Nations agencies, and non-governmental organizations to provide emergency humanitarian assistance to the suffering people of Rwanda;

9. Expresses deep concern at the situation of the many thousands of refugees and displaced persons who have been forced to flee the fighting and killings in Rwanda;

10. Calls on all States to assist the United Nations High Commissioner For Refugees (UNHCR) and other humanitarian and relief agencies operating in the area in meeting the urgent humanitarian needs in Rwanda and its bordering States and calls on States bordering Rwanda, working with the OAU, to provide appropriate protection to refugees and to facilitate transfer of goods and supplies to meet the needs of the displaced persons within Rwanda;

11. Calls on all Rwandan parties to guarantee the protection of displaced persons and refugees in Rwanda and to ensure safe passage for humanitarian assistance;

12. Determines that there is an urgent need for coordinated international action to help bring peace to Rwanda and to alleviate the suffering of the Rwandan people and requests the Secretary-General, in consultation with the Secretary-General of the OAU and countries of the region, to take appropriate measures to ensure that international efforts to assist the situation in Rwanda are carried out in an effective and coordinated manner, and to ensure that all relevant parties are kept fully informed;

13. Emphasizes the importance of Kigali airport for the provision of international relief efforts to Rwanda, as well as for the requirements of UNAMIR and calls on the parties to allow the airport to be kept open at all times for such purposes;

14. Stresses the importance of ensuring that the situation in Rwanda does not affect adversely the security and stability of neighbouring countries;

15. Warns that the situation in Rwanda would be further seriously aggravated if either of the parties were to have access to additional arms, appeals to all States to refrain from providing arms or any military assistance to the parties to the conflict, and expresses its willingness in principle to consider promptly the application of an arms embargo to Rwanda;

16. Reaffirms its commitment to preserving the unity and territorial integrity of Rwanda, reiterates its conviction that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwanda conflict and serves as the basis for peace, national unity and reconciliation in the country and calls again on the parties to renew their commitment to this Agreement;

17. Requests the Secretary-General:

(a) In consultation with the Secretary-General of the OAU, to report further on action which may be undertaken with a view to assisting in the restoration of law and order in Rwanda and in providing security for displaced persons;

(b) To work with UNHCR, the OAU and countries of the region to take such preventive diplomatic steps as may be necessary to prevent the spread of violence and atrocities to neighbouring countries;

(c) Urgently to explore ways of extending humanitarian relief assistance to refugees and displaced persons;

(d) To consult UNHCR on measures to provide humanitarian assistance to those displaced persons congregated along the borders with Tanzania, Uganda, Zaire and Burundi;

(e) To bring to its attention any information that he might receive concerning arms flows into Rwanda, and to consult the countries of the region and the OAU about the practical implementation of an arms embargo on Rwanda; and

(f) To make proposals for investigation of the reports of serious violations of international humanitarian law during the conflict;

18. Decides to consider urgently the letter of the Secretary-General dated 29 April 1994 (S/1994/518) and further recommendations the Secretary-General may provide.

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LETTER DATED 28 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward herewith the statement by the Chairman of the CSCE Permanent Committee, at its 17th meeting, on the situation in Kosovo.

I would be grateful to you if you could have the aforementioned statement circulated as a document of the Security Council.

(Signed) F. Paolo FULCI
Ambassador

ANNEX

Chairman's statement

"The CSCE community is deeply concerned about the deteriorating situation in Kosovo and in particular about recent acts of suppression of human rights and fundamental freedoms that have led increased tension and instability in the area as well as on repeated acts of repression that have increased the risk of violent radicalization among Albanians in Kosovo.

The CSCE has been alerted to many cases of arbitrary arrest, detention and police brutality, involving ethnic Albanians, that constitute a flagrant violation of CSCE principles and commitments by the Serbian authorities.

The re-establishment of the CSCE Missions of Long Duration to Kosovo, Sandjak and Vojvodina - as the recent CSCE Troika visit led by the Chairman of the Committee of Senior Officials has once again reiterated to the Serbian authorities - would contribute to the observance of CSCE principles and commitments and the prevention of conflict in the region.

The CSCE, therefore, once again urges the government of Yugoslavia (Serbia and Montenegro) to respect its commitment to CSCE principles and to facilitate the early and unconditional return of the Missions."